

No. **2020-6586**

**Official Order
of the
Texas Commissioner of Insurance**

Date: 12/02/2020

Subject Considered:

Texas Department of Insurance

v.

Jennifer Michelle Evilsizer

SOAH Docket No. 454-20-4046.C

General remarks and official action taken:

The subject of this order is the general lines agent license with a property and casualty qualification held by Jennifer Michelle Evilsizer.

Background

After proper notice was given, the above-styled case was heard by an administrative law judge for the State Office of Administrative Hearings. The administrative law judge made and filed a proposal for decision containing a recommendation that the department revoke Ms. Evilsizer's general lines agent license. A copy of the proposal for decision is attached as Exhibit A.

Findings of Fact

The findings of fact contained in Exhibit A are adopted by TDI and incorporated by reference into this order.

Conclusions of Law

The conclusions of law contained in Exhibit A are adopted by TDI and incorporated by reference into this order.

COMMISSIONER'S ORDER
TDI v. Jennifer Michelle Evilsizer
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Order

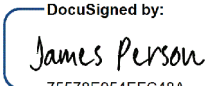
It is ordered that Jennifer Michelle Evilsizer's general lines agent license with a property and casualty qualification is revoked.

Commissioner of Insurance

DocuSigned by:

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By: _____
Doug Slape
Chief Deputy Commissioner
Tex. Gov't Code § 601.002
Commissioner's Order No. 2018-5528

Recommended and reviewed by:

DocuSigned by:

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James Person, General Counsel

DocuSigned by:

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Justin Beam, Assistant General Counsel

SOAH DOCKET NO. 454-20-4046.C

TEXAS DEPARTMENT OF
INSURANCE
Petitioner

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BEFORE THE STATE OFFICE

v.

OF

JENNIFER MICHELLE EVILSIZER,
Respondent

ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

The staff (Staff) of the Texas Department of Insurance (Department) seeks to revoke the general lines agent property and casualty license held by Jenifer Michelle Evilsizer contending that her license should be revoked by operation of law pursuant to Texas Occupations Code § 53.021(b). The Administrative Law Judge (ALJ) finds that the Department is required by operation of law to revoke Ms. Evilsizer’s license.

I. NOTICE, JURISDICTION, AND PROCEDURAL HISTORY

Notice and jurisdiction were not disputed and are set forth in the Findings of Fact and Conclusions of Law below without further discussion here. On August 25, 2020, Steven M. Rivas, an ALJ with the State Office of Administrative Hearings (SOAH) convened a hearing on the merits by videoconference. Staff was represented by Stephanie Andrews. Ms. Evilsizer appeared and represented herself. The hearing adjourned that day, and the record closed on September 9, 2020, when the ALJ received a copy of the hearing transcript.

II. DISCUSSION

A. Applicable Law

The Department may discipline a license holder if the Department determines the license holder has engaged in fraudulent or dishonest acts or practices; or has been convicted of a felony.¹

¹ Tex. Ins. Code § 4005.101(b)(5), (8).

Under Texas Occupations Code § 53.021(b), a license holder's license shall be revoked on the license holder's imprisonment following a felony conviction, felony community supervision revocation, revocation of parole, or revocation of mandatory supervision.

B. Evidence

Jennifer Michelle Evilsizer holds a general lines agent license no. 1897065 with a property and casualty qualification issued by the Department on May 17, 2018. On February 27, 2019, in Case Number 6:19-CR-6 in the United States District Court for the Eastern District of Texas, Tyler Division, Ms. Evilsizer pled guilty to the felony offense of Student Financial Aid Fraud and was sentenced to six months' confinement within the Federal Bureau of Prisons, followed by three years of supervised release. She was also ordered her to pay restitution in the amount of \$1,708 to the Texas Higher Education Coordinating Board, \$26,633.40 to Trinity Valley Community College, and \$33,414.49 to the U.S. Department of Education.

On September 16, 2019, Ms. Evilsizer surrendered to the Federal Bureau of Prisons to begin serving her sentence. Ms. Evilsizer testified that she served three months in a federal prison camp and was released to a "half-way" house, where she served three additional months of home confinement. In December 2019, Ms. Evilsizer was released from all confinement to serve three years of supervised release. Ms. Evilsizer is scheduled to be discharged from supervised release in December 2022.

At the hearing, Ms. Evilsizer did not deny the allegation and expressed remorse for her past decisions. She also questioned if there was any way the Department could allow her to retain her license by placing her license on a probationary status or having her take extra continuing education courses.

Jody Delgado, the Department's administrative review team manager, testified on behalf of the Department. Ms. Delgado confirmed that Texas Occupations Code § 53.021(b) indicates the Department shall revoke an agent's license in cases where an agent is imprisoned following a felony conviction. The Department has no discretion in the matter and is not allowed to consider any mitigating factors, according to Ms. Delgado. However, Ms. Delgado noted, Ms. Evilsizer may reapply for a license five years from the date it has been revoked.

C. Analysis

The evidence, which is not in dispute, shows that Ms. Evilsizer was imprisoned following a felony conviction. Moreover, that felony conviction was for an offense that involved fraudulent practices. Texas Occupations Code § 53.021(b) requires the licensing agency to revoke a license under those circumstances. Therefore, the Department is required by law to revoke Ms. Evilsizer's license, and the ALJ concludes it should do so.

III. FINDINGS OF FACT

1. Jennifer Michelle Evilsizer holds a general lines agent license no. 1897065 with a property and casualty qualification issued by the Texas Department of Insurance (Department) on May 17, 2018.
2. On February 27, 2019, Ms. Evilsizer pled guilty to the felony offense of Student Financial Aid Fraud in Case Number 6:19-CR-6 in the United States District Court for the Eastern District of Texas, Tyler Division.
3. On August 5, 2019, Ms. Evilsizer was sentenced to serve six months confinement within the Federal Bureau of Prisons, followed by three years of supervised released. The court further ordered her to pay restitution in the amount of \$1,708 to the Texas Higher Education Coordinating Board, \$26,633.40 to Trinity Valley Community College, and \$33,414.49 to the U.S. Department of Education.
4. On September 16, 2019, Ms. Evilsizer surrendered to the Federal Bureau of Prisons to begin serving her sentence.

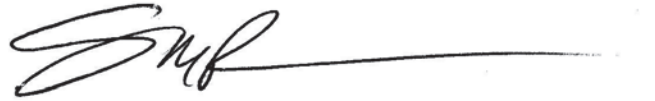
5. Ms. Evilsizer served three months in a federal prison camp and was released to a “half-way” house, where she served three additional months of home confinement.
6. In December 2019, Ms. Evilsizer was released from all confinement and began serving three years of supervised release.
7. Ms. Evilsizer is scheduled to be discharged from supervised release in December 2022.
8. On June 24, 2020, the Department’s staff (Staff) filed a notice of hearing to revoke Ms. Evilsizer’s license.
9. The notice contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing was to be held; a reference to the particular sections of the statutes and rules involved; and either a short, plain statement of the factual matters asserted, or an attachment that incorporated by reference the factual matters asserted in the complaint or petition filed with the state agency.
10. On August 25, 2020, Steven M. Rivas, an Administrative Law Judge (ALJ) with the State Office of Administrative Hearings (SOAH) convened a hearing on the merits by videoconference. Staff was represented by Stephanie Andrews. Ms. Evilsizer appeared and represented herself. The hearing adjourned that day, and the record closed on September 9, 2020, when the ALJ received a copy of the hearing transcript.

IV. CONCLUSIONS OF LAW

1. The Department has jurisdiction over this matter. Tex. Ins. Code §§ 4001.002, .105, 4005.101.
2. SOAH has authority to hear this matter and issue a proposal for decision with findings of fact and conclusions of law. Tex. Gov’t Code ch. 2003; Tex. Ins. Code § 4005.104.
3. Ms. Evilsizer received timely and sufficient notice of hearing. Tex. Gov’t Code ch. 2001; Tex. Ins. Code § 4005.104(b).
4. The Department may discipline a license holder if the Department determines the license holder has engaged in fraudulent or dishonest acts or practices; or has been convicted of a felony. Tex. Ins. Code § 4005.101(b)(5), (8).
5. A license holder’s license shall be revoked on the license holder’s imprisonment following a felony conviction, felony community supervision revocation, revocation of parole, or revocation of mandatory supervision. Tex. Occ. Code § 53.021(b).

6. The Department is required to revoke Ms. Evilsizer's license pursuant to Texas Occupations Code § 53.021(b).

SIGNED October 19, 2020.

A handwritten signature in black ink, appearing to read 'SMR', followed by a long horizontal line extending to the right.

**STEVEN M. RIVAS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS**